

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 09-cr-20564

v.

HONORABLE STEPHEN J. MURPHY, III

RICHARD TAFT JOHNSON,

Defendant.

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**ORDER REQUIRING JOINT SUBMISSION BY PARTIES**

In this case, Defendant has pleaded guilty to one count of mail fraud and is scheduled to be sentenced on March 26, 2010. As a result of the Defendant's conduct, numerous victims have requested that the Court order Defendant to pay restitution for their losses. Many of these victims are likely to attend the sentencing hearing.

The Crime Victims' Rights Act ("CVRA"), 18 U.S.C. § 3771, provides certain rights for crime victims. Victims have a right to be "reasonably heard" at the sentencing hearing, 18 U.S.C. § 3771(a)(4), and the Court has the duty of ensuring that victims are afforded their rights. *Id.* § 3771(b)(1). In cases like this, where there are multiple victims who may wish to speak and it is impracticable to afford all of them then their afforded rights, the district judge must fashion "reasonable procedures" to give effect to the rights in a way that does not unduly complicate or prolong the proceedings. *Id.* § 3771(b)(2).

The Court is inclined to provide allocution to those victims who appear at the hearing and request it. *Cf. United States v. Korson*, 243 F. App'x 141, 150-51 (6th Cir. 2007) (recognizing that crime victims have a right to appear at sentencing and request to give statements in open court); *see also Kenna v. U.S. Dist. Ct. for Cent. Dist. of Cal.*, 435 F.3d 1011, 1013-14 (9th Cir. 2006); *United States v. Vampire Nation*, 451 F.3d 189, 197 n. 4 (3d

Cir. 2006). At this juncture, however, the Court is unaware of the number of victims who might wish to speak at sentencing, although the Court understands many will attend. In the event there are many who wish to speak, the Court will, as required by the CVRA, fashion reasonable procedures to give effect to these rights in a way that does not unduly prolong the proceedings. The Court believes it prudent to require the parties to propose reasonable procedures in the event there are numerous victims wishing to speak. Therefore, counsel for the parties are **ORDERED** to, not later than **March 23, 2010**, submit to the Court a joint proposal with recommendations for reasonable procedures the Court can implement that will give effect to the rights of the numerous victims who may wish to speak at the sentencing hearing on March 26, 2010.

**SO ORDERED.**

s/Stephen J. Murphy, III  
STEPHEN J. MURPHY, III  
United States District Judge

Dated: March 19, 2010

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 19, 2010, by electronic and/or ordinary mail.

Alissa Greer  
Case Manager